

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC.)	
PELVIC REPAIR SYSTEM)	MDL Docket No.: 2:12-MD-02327
PRODUCTS LIABILITY LITIGATION)	Civil Action No.: 2:15-cv-08736
)	
SUSAN HOLMAN, Plaintiff)	MDL 2327

**PLAINTIFF'S MOTION
FOR REMOVAL FROM ETHICON, INC./JOHNSON & JOHNSON'S SECOND
AMENDED EXHIBIT A; REMOVAL FROM STATUS AS A NON-REVISED
PLAINTIFF; AND RELIEF FROM PRETRIAL ORDER #293 IN RESPECT THERETO**

Plaintiff, by counsel, in support of her Motion for Removal from Defendants' Second Amended Exhibit A; Removal from Status as a Non-Revised Plaintiff; and Relief from Pretrial Order #293 in respect thereto, shows the Court:

1. On April 11, 2018, this Court granted Defendants' Motion for Order Regarding Disposition of Non-Revision Gynecare TVT Products Cases and granted defendants leave to amend their Exhibit A which identifies and labels victims therein as 'non-revision plaintiffs' whose cases are now subject to voluntary dismissal or disposition.

2. Plaintiff, Susan Holman, appears on page 285, of 408, of the Second Amended Exhibit A as such a 'non-revision plaintiff'.

3. However, Susan Holman is *not* a non-revision plaintiff. Susan Holman should *not* be identified on Amended Exhibit A. Susan Holman should *not* be subject to the majority of Pretrial Order #293 as it applies to non-revision plaintiffs. Susan Holman's Plaintiff Fact Sheet (PFS), previously tendered to defendants, expressly states, not less than, fourteen (14) different times the words "revision", "explanted" and "explantation" when explaining to defendants that the Ethicon TVT Obturator System implanted on 11/11/04 was then revised and explanted on

1/24/12. In addition, Susan Holman previously provided defendants with 702 pages of medical records including the attached surgery reports detailing the same. (**See attached exhibits: PFS with highlighting and surgical reports with highlighting**).

4. Pursuant to, and in conformity with, Federal Rule of Civil Procedure 11(c)(2) plaintiff advises of plaintiff's intent to seek sanctions under Rule 11 if, within 21 days as provided, defendants do not withdraw/remove Susan Holman from designation as a non-revision plaintiff.

WHEREFORE, plaintiff prays for an Order removing Susan Holman from Exhibit A or Amended Exhibit A; removing Susan Holman from the designated status of a non-revision plaintiff; relieving Susan Holman from Pretrial Order #293 in respect thereto; and for all other just and proper relief in the premises.

Respectfully,

/s/ Brock P. Alvarado
Brock P. Alvarado
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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the CM/ECF participants registered to receive service I this MDL.

/s Brock P. Alvarado
Brock P. Alvarado (#16348-45)